

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 239 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 04/09/2003 in
WP NO: 2737 OF 1996 on the file of the High Court.)

Between:

P. Mohan Rao, S/o. Dahshina Murthy, 65 years, Superintending
Engineer(retired) TTDs, Tirupati, R/o. Thirupathi, Chittoor District.

APPELLANT/

Petitioner

AND

1. Tirumala Tirupathi Devasthams Represented by its Executive Officer,
Tirupathi, Chittoor District.

2. The Government of Andhra Pradesh, Represented by its Principal
Secretary, Revenue (Endt.) Department, Secretariat, Hyderabad.

3 B. Muni Reddy, S/o. Late B. Gangi Reddy, 61 yrs, C/o. Executive
Officer, TTD's Tirupathi, Chittoor District.

RESPONDENTS

Counsel for the Appellant: MR.M.PANDURANGA RAO

Counsel for the Respondent No.1: Mr. A.K.JAYAPRAKASH RAO STANDING COUNSEL
FOR T.T.DEVASTHANAM.

Counsel for Respondent No.2: GP FOR ENDOWMENTS

Counsel for Respondent No.3: MR. P.V.S. KUMAR.

The Court made the following:

JUDGMENT: (Per the Honourable Smt. Justice T.Meena Kumari)

The present writ appeal is preferred by the appellant against the order of the learned single Judge passed in W.P.No: 2737 of 1996 on 4.9.2003, by which the learned single Judge dismissed the writ petition as devoid of merits.

The appellant is the writ petitioner. He filed the writ petition seeking to declare the action of the respondents in rejecting the petitioner's claims for retrospective promotion to the category of Superintending Engineer with effect from the date when his junior was promoted as illegal and to direct the respondents to consider his case for promotion to the category of Chief Engineer on that basis. The learned single Judge having observed that in view of the fact that the petitioner could not come up for selection and those selections have become final and he did not question the said selections, dismissed the petition. Aggrieved by the same, the present writ appeal is preferred.

Heard the learned counsel.

The grievance of the petitioner is that his case was considered by the selection committee along with others even during the pendency of the A.C.B. case and his name was not included in the panel on the ground that he was not a degree holder.

We have perused the order of the learned single Judge and the material available on record. As rightly observed by the learned single Judge, the petitioner could not come up for selection which has become final and he also never questioned the said selection. Admittedly, the petitioner was retired from service on 30.6.1996. At this stage, the contention of the learned counsel that the petitioner would have been given promotion with retrospective effect, holds no water.

It is submitted by the learned counsel for the petitioner that all the pensionary benefits and terminal benefits have been paid to him for the post of Superintending Engineer, which he held. In the facts and circumstances of the case, We do not find any illegality in the order of the learned single Judge. However, We make it clear that if any

amounts are due to the petitioner for the post he was holding at the time of retirement, shall be paid without any further delay.

Accordingly, this writ appeal is disposed of.

Justice T.Meena Kumari

17th February, 2005

Justice S.Ananda Reddy

Gurc.

Copies to:

1. The Executive Officer, Tirumala Tirupathi Devasthanams,
Tirupathi, Chittoor District.
 2. The Principal Secretary, The Government of Andhra Pradesh,
Revenue (Endt.) Department, Secretariat, Hyderabad.
 3. Two C.D.
- (3) 2 C.Cs. to the Government Pleader for Endowments (OUT).

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL No:239 of 2005

(Judgment delivered by Smt. Justice T.Meena Kumari)

17th February, 2005